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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

8 In re DYNAMIC RANDOM ACCESS  
9 MEMORY (DRAM) ANTITRUST  
LITIGATION,

Master File No. M-02-1486 PJH (JCS)

MDL No. 1486

Case No. C-06-06436 PJH (JCS)

11 This document relates to:

12 || STATE OF NEW YORK,

**Plaintiff,**

14 v.

## **ORDER DENYING MOTION TO COMPEL**

[Docket No. 127 (No. C-06-06436 PJH) and  
Docket No. 1828 (No. M-02-01486 PJH)]

18 The parties have filed a letter dated February 29, 2008 (the “Motion”) [Docket No. 127 in  
19 Case C-06-06436 PJH and Docket No. 1828 in M-02-1486 PJH]. The Court interprets the Motion as  
20 a Motion to Compel the Infineon Defendants to produce witnesses and documentation. The Motion  
21 is DENIED.

22 The Motion is untimely. The fact discovery cutoff deadline in this matter was July 16, 2007,  
23 by order of the district judge. Motions to compel were required to be filed not later than August 24,  
24 2007. Accordingly, the Motion is five months late. Plaintiff has not demonstrated why this  
25 discovery could not have been done before the discovery cutoff date, and why it could not have  
26 brought this matter to the Court's attention before the deadline for filing a motion to compel.

27 In any event, Plaintiff has not sustained its burden of demonstrating that Defendants have  
28 failed to produce the discovery sought or that they have failed to live up to their agreements.

**United States District Court**  
For the Northern District of California

1 IT IS SO ORDERED.  
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3 Dated: March 11, 2008  
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JOSEPH C. SPERO  
United States Magistrate Judge